

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THOMAS SIERRA,) No. 18 C 3029
)
Plaintiff,)
)
vs.) Chicago, Illinois
)
REYNALDO GUEVARA, et al.,)
) September 14, 2023
) 9:15 a.m.
Defendants.)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HON. M. DAVID WEISMAN, MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: MR. ANAND SWAMINATHAN
Loevy & Loevy,
311 North Aberdeen Street, 3rd Floor,
Chicago, Illinois 60607

For Defendant
Guevara: MR. THOMAS M. LEINENWEBER
Leinenweber, Baroni & Daffada, LLC,
120 North LaSalle Street, Suite 2000,
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For the Individual
Defendant Officers: MR. JOSH M. ENGQUIST
The Sotos Law Firm, P.C.,
141 West Jackson Boulevard, Suite 1240A,
Chicago, Illinois 60604

For Defendant City
of Chicago: MS. EILEEN E. ROSEN
Rock, Fusco & Connelly, LLC,
333 West Wacker Drive, 19th Floor,
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PATRICK J. MULLEN
Official Court Reporter
United States District Court
219 South Dearborn Street, Room 1412
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1 (Telephonic proceedings on the record.)

2 THE CLERK: 18 CV 3029, Sierra versus Guevara, et al.

3 THE COURT: Good morning. For plaintiff?

4 MR. SWAMINATHAN: Good morning. This is Anand
5 Swaminathan for plaintiff.

6 THE COURT: Good morning, Mr. Swaminathan.

7 For defendant Guevara?

8 MR. LEINENWEBER: Good morning, Judge. Tom
9 Leinenweber on behalf of defendant Guevara.

10 THE COURT: Good morning, Mr. Leinenweber.

11 For the other individual defendants?

12 MR. ENGQUIST: Good morning, Your Honor. Josh
13 Engquist on behalf of those defendants.

14 THE COURT: And for the City of Chicago?

15 MS. ROSEN: Good morning, Your Honor. Eileen Rosen on
16 behalf of defendant City of Chicago.

17 THE COURT: Good morning.

18 Any other counsel that needs to be identified for the
19 record?

20 (No response.)

21 THE COURT: All right. So I saw Judge Blakey's entry
22 from yesterday. It looks like you all have a settlement
23 conference you'd like to do. It was a little unclear to me on
24 the motion for a reasonable amount of time to conduct the
25 deposition, but it looks like he denied it without prejudice,

1 and then the discovery is handled by me.

2 But I don't know, Mr. Swaminathan, what that means to
3 you, so tell me what you think.

4 MR. SWAMINATHAN: Yeah, yeah. I think, I think we and
5 I think all parties walked away from the conference with Judge
6 Blakey yesterday with the understanding that I think he was
7 just denying the motion to the extent the motion was before
8 him, but I think he even said that he understood that the
9 motion was being presented to you.

10 So my understanding is that the motion is still
11 pending essentially from the defendants or the request to have
12 the deposition. So Your Honor would still be hearing it, and I
13 know the parties have said that we've got a settlement
14 conference (inaudible), and we will have some discussions with
15 you about that.

16 But from our perspective, I think it probably makes
17 sense, rather than have the depositions be (inaudible) before
18 we conduct the settlement discussions, we'd like to get Your
19 Honor's ruling, if you're able to, on this discrete issue, and
20 we'd like to get that deposition done under whatever the
21 circumstances are so that, you know, (inaudible) summary
22 judgment briefing.

23 THE COURT: All right. So you would like me to
24 resolve that motion. You want to get that deposition done and
25 then talk about -- we can talk about a settlement conference

1 now, but then you want to do a settlement conference after that
2 expert discovery is completed. Is that what you're saying?

3 MR. SWAMINATHAN: I don't think we -- I don't think
4 there's any need for the settlement conference to have to
5 happen sequentially with the expert deposition. I know the
6 parties have had (inaudible) in the briefing about getting it
7 scheduled, getting the deposition scheduled. So we'll get that
8 scheduled in the normal course with defendants, so find a date
9 that's mutually agreeable and do it, regardless of whether
10 that's before or after the settlement conference.

11 At least from plaintiff's perspective, there's nothing
12 about that settlement -- that very limited rebuttal expert
13 deposition that's going to change anything about the settlement
14 posture of the parties.

15 THE COURT: All right.

16 MR. SWAMINATHAN: (Inaudible).

17 THE COURT: I'm sorry for interrupting.

18 Anyone on the defendants' side disagree with what
19 Mr. Swaminathan is suggesting?

20 MS. ROSEN: No. I mean, Judge, it wasn't clear to us
21 whether or not, based on when we left the hearing -- well, we
22 know for sure that Judge Blakey suspended briefing on summary
23 judgment.

24 THE COURT: Right.

25 MS. ROSEN: He indicated that he didn't want to go

1 through the time and expense of summary judgment if there was
2 an interest in settlement, and the parties said there certainly
3 was an interest in settlement.

4 To do it before summary judgment, our position has
5 been consistently that we need all the experts done for a
6 variety of reasons. Plaintiff disagrees with that, but our
7 position is we have to have all the expert depositions done before we
8 can do summary judgment.

9 So I don't know that we have a strong feeling one way
10 or the other about whether or not we could be talking about
11 settlement while finishing up the Steblay deposition, you know, so we
12 leave that to the Court. We do need obviously a ruling from
13 you because plaintiff filed a motion to limit the deposition.
14 We believe we're entitled to the full seven hours, they believe
15 we're entitled to some lesser amount, but we obviously need
16 that ruling before we get set for the deposition.

17 Then as far as the settlement conference goes, you
18 know, I spoke with plaintiff's counsel after court and asked
19 them if the demand they made a few years ago was the demand,
20 still the demand, and they were supposed to get back to me and
21 they haven't yet. So we obviously need that, that number,
22 whatever the number is, so that we can go through the process
23 we need to go through with the city.

24 So, you know, that obviously, you know, takes some
25 time. So I'm not opposed to getting a ruling on this Steblay

1 issue and getting her dep scheduled while we're embarking on
2 settlement.

3 THE COURT: Okay. So let's see. I'll take care of
4 the motion today, and then next we'll talk about scheduling.
5 So plaintiff's motion is looking for a limitation on the second
6 deposition of Dr. Steblay, if I'm pronouncing her name
7 correctly. Plaintiff's position is, you know, I think,
8 two-fold. One, this is a rebuttal expert, so Dr. Steblay has
9 already been deposed. Then, two, Dr. Steblay has been deposed
10 in other cases.

11 My view on this, you know, I appreciate the practical
12 implications of something like that, but my view on that is
13 that the deposition should be available to defendants for the
14 full seven hours for the following reasons. It doesn't mean
15 they need to take all seven hours, but they should be at
16 liberty to do so for the following reasons.

17 First, it's not clear from the motion itself how much
18 additional information Dr. Steblay is providing different from
19 her previous opinion, different from what she's previously
20 provided in other cases. So from a practical standpoint, it's
21 hard to measure how that would impact the length of it.

22 Second, the economic interests here are weighed just
23 as much in favor of defendants not using unnecessary time as it
24 does in the plaintiff having an efficient deposition; to wit,
25 if the defendants lose at trial, they have to pay for the costs

1 of the deposition as part of any recovery as well as the time
2 that plaintiff's counsel would consume sitting through an
3 unnecessarily long deposition to the extent that happens. So
4 there's a built-in reason for defendants to be circumspect with
5 the time they're using.

6 Third, based on dealings with both counsel, both
7 sides -- or all counsel, I should say, in this case, I'm
8 confident that counsel are experienced civil litigators, and
9 while this case certainly has been fully litigated, there's
10 been no suggestion to me, you know, or very few times where
11 people ever complained about how things were conducted in the
12 sense of unnecessarily long depositions. I'm not aware of any
13 complaints in that regard, and in general both sides, I think,
14 have conducted themselves professionally. So I don't have
15 concerns that either side would abuse the process.

16 For all those reasons, in exercising my discretion,
17 I'm going to deny the motion. Mr. Swaminathan, do you want me
18 to make a further record on my reasoning?

19 MR. SWAMINATHAN: Not at all. That's fine, Your
20 Honor. We can commit to providing, you know, multiple dates
21 for depositions for Dr. Steblay in the next -- within the next
22 30 days. I imagine we can get that scheduled relatively
23 quickly. You know, I think our concern really is, you know,
24 obviously we have essentially suspended the summary judgment
25 process. You know, it is clear that we are, you know, anxious

1 to see this case move forward after doing the fact discovery
2 for more than a year, past a year, about 18 months ago.

3 So we are very hopeful, and we were pleasantly
4 surprised to hear that the city is interested in having
5 settlement discussions. But given that we have suspended the
6 schedule in the case, we're just anxious to try to move forward
7 as quickly as we can. To the extent we can be productive in
8 settlement discussions, that would be great. To extent it's
9 not, you know, I think Mr. Sierra is very anxious to see us be
10 able to move forward until this case reaches its conclusion.
11 So that is really, that is really my focus at this point.

12 So I understand Your Honor has a busy schedule, a very
13 busy schedule with everything else, so we are anxious to get in
14 for a settlement conference whenever it's possible.

15 THE COURT: Yes, we'll talk about that, too, in a
16 second.

17 So I heard Mr. Swaminathan indicate that they would
18 make Dr. Steblay available in the next 30 days. From
19 defendants' standpoint, I'll ask you, Ms. Rosen -- but if
20 either Mr. Engquist or Mr. Leinenweber want to chime in, tell
21 me -- do you think you can get her deposition done in the next
22 30 days?

23 MS. ROSEN: Judge, if we can get her scheduled by
24 the second -- I think the earliest we are available is probably
25 the second or third week of October based on where we are with

1 all of our other responsibilities in cases.

2 THE COURT: Okay. So that looks like --

3 MS. ROSEN: So that's about 30 days, yeah.

4 THE COURT: Yes, so that looks like close to 30 days,
5 but maybe (inaudible) being over, correct?

6 MS. ROSEN: Correct.

7 THE COURT: Okay. So let's do this. I'll order that
8 her deposition be completed by October 27th. If that somehow
9 becomes a problem, you know, file a motion. I kind of see
10 backing off your comments, Ms. Rosen, and I think
11 Mr. Swaminathan has well-preserved the idea that they want to
12 move the case forward. I'm hopeful we can get it settled but,
13 if not, expert discovery is going to be necessary for summary
14 judgment based on your assessment at least, Ms. Rosen. I want
15 to have the case in a posture to move it forward, so I want
16 that deposition done by October 27th.

17 We can talk about scheduling a settlement conference.
18 I don't know if her deposition needs to happen before the
19 settlement conference or not. I think I could provide you with
20 dates in October and probably before the 27th if everyone
21 thinks that makes sense. You know, I do know that doing both
22 of those things at the same time sometimes becomes challenging.

23 So, Mr. Swaminathan, what's your view?

24 MR. SWAMINATHAN: Yeah. From our --

25 THE COURT: Do you want you get the deposition done or

1 the settlement conference --

2 MR. SWAMINATHAN: Yeah, I --

3 THE COURT: The settlement conference? So tell me
4 what you're thinking.

5 MR. SWAMINATHAN: Yeah. In terms of getting an
6 updated settlement demand from the city, I think that my
7 colleague (inaudible) yesterday said we could have it the same
8 day, but we will have the settlement demand to them either
9 today or tomorrow at the latest. So they're going to have that
10 letter in hand, you know, tomorrow at the latest, and they'll
11 have time to evaluate it.

12 From our perspective, a deposition of a rebuttal
13 expert, I just cannot imagine how that is going to be a game
14 changer on the issue of the parties' positions on settlement in
15 the case, you know, (inaudible). So from my perspective,
16 there's no reason we need to hold up a settlement conference,
17 you know, for this single rebuttal deposition.

18 To the extent the city takes the position that that is
19 the case, you know, I might shake my head, but it is what it
20 is. So I would ask that we just try and get the settlement
21 conference scheduled as quickly as we can after that, the date
22 of that completed deposition. If we're looking at the second
23 half of October, so be it.

24 THE COURT: Okay. That's fair enough.

25 So, Ms. Rosen, I'll turn to you first because I think

1 as a practical issue here you're dealing with a relatively new
2 administration. If you get the demand letter tomorrow, I am
3 kind of clueless as to how long that is now taking to get
4 through, you know, the review process on the city's side. So
5 tell me what you're thinking.

6 MS. ROSEN: So, Judge, it is a new administration, and
7 it's difficult for us to peg it right now as well. You know,
8 there's a lot of, there's a lot of cases in the pike, so to
9 speak. So separate and apart from this delay -- and I agree
10 that her deposition is likely not going to be a game changer
11 with respect to settlement, although I would love to have her
12 dep sooner rather than later. But separate from that, I think
13 to be safe, so that we have enough time to talk to the
14 appropriate people that we need to talk to, that it's probably
15 more realistic to look at something in early November.

16 THE COURT: Okay. I'm not in a position to argue with
17 you about it, and I do want a date that is going to be
18 meaningful.

19 So, Mr. Swaminathan, I absolutely appreciate you and
20 your client's concern, but I'm just being pragmatic here.
21 Obviously, a case like this is going to take some level of
22 review. If it were a little more straightforward, I might have
23 a different view.

24 All right. So let's look at the week of November 6th.
25 Well, okay. That's not a great week. I could do the end of

1 that week, like the 9th or 10th.

2 THE CLERK: There's the holiday, too.

3 THE COURT: Oh, the holiday, yes.

4 Okay. Let's go to the 13th, the week of the 13th.

5 It's totally wide open except for Thursday, the 16th.

6 MR. SWAMINATHAN: Every date that week works for
7 plaintiff.

8 THE COURT: All right. I will give the whole day to
9 the settlement conference. I may be able to get it done in an
10 hour, but I'm thinking that may not happen. But we'll have to
11 figure --

12 MR. ENGQUIST: You're an eternal optimist, Judge.

13 THE COURT: Yes. I think I'm going to have a full
14 head of hair one day, and that has not happened.

15 (Laughter.)

16 THE COURT: We'll start at 10:00, and we'll just
17 figure the whole day. On the defendants' side, any day looking
18 better than another?

19 MS. ROSEN: For the city, the only bad day for me is
20 the 15th.

21 THE COURT: Okay. Mr. Engquist?

22 MR. ENGQUIST: For me, Friday, the 17th, is not a good
23 date, and the morning of the 14th, though if you start at 10:00
24 I could probably be there at 10:00. But, yeah, the 17th for
25 now is not good for me.

1 THE COURT: Okay. Mr. Leinenweber?

2 MR. LEINENWEBER: And the same for me, Judge. The
3 17th is a bad day, but other than that I'm open.

4 THE COURT: Okay. I'm thinking Tuesday is good. You
5 know, the workweek starts Monday. People can do any
6 last-minute things they need to do, maybe meet with people, if
7 necessary, for the settlement conference. So let's say the
8 14th at 10:00 o'clock.

9 And then, Ms. Owens, if you can just lock up the day
10 for that, that would be great. Thank you.

11 Then I'm thinking about the most efficient way to try
12 to kind of convey information for settlement, you know, that
13 would be useful for me for settlement purposes. I don't think
14 there's any unique legal issues here that will need a lot of
15 time being explained. I think it's going to be much more
16 driven by facts.

17 But, Mr. Swaminathan, do you think you have any unique
18 legal theories of liability that need some explaining?

19 MR. SWAMINATHAN: Your Honor, we filed an affirmative
20 motion for summary judgment that, you know, Judge Blakey denied
21 without prejudice to (inaudible) summary judgment schedule. So
22 I do think that isn't something that's really unique. It's
23 unique, obviously, for the plaintiff's side to be moving for
24 summary judgment (inaudible). But I don't -- you know, I think
25 it could be (inaudible) referring to that summary judgment

1 briefing, which is very short, or the motion which is very
2 short.

3 If you want us to write you sort of a summary
4 settlement position, we could do that. We're also happy to
5 show you the settlement correspondence that we've previously
6 sent, which is pretty factual detailed, and/or, you know, the
7 correspondence we'll send them by tomorrow.

8 But if you really want us to, Your Honor, we're happy
9 to (inaudible) to you. So for you to have us send you
10 something like a new settlement letter that will give you some
11 factual details, we're happy to do that. If you want us to
12 just sort of give you our previous settlement correspondence
13 and just attach our position on summary judgment, we're happy
14 to do that, whatever you'd like.

15 THE COURT: Yes. Let me see what the defendants are
16 saying. What I think I'm most interested in are the facts that
17 both sides think. You know, Mr. Swaminathan, since you filed a
18 summary judgment motion, the ones that you think are undisputed
19 that show liability, that would be of great interest to me, and
20 then, of course, the defendants' view of whether those are
21 disputed and how they may be disputed.

22 But let me hear from the defendants. So, Ms. Rosen,
23 I'll start with you. Any unique legal issues that I need to
24 bone up or catch up on?

25 MS. ROSEN: Yeah. No, I mean, I think for purposes of

1 the Monell claim, you know, it's our position that, I mean,
2 plaintiff has argued it to you in the beginning of the case
3 when they asked for all of the Monell discovery, that their
4 Monell discovery and their experts -- all the Monell discovery
5 that they asked for and received were for purposes of their
6 experts, and their Monell claim is -- well, Mr. Sierra's Monell
7 claim is entirely based on his experts.

8 And we believe we have strong motions, Daubert motions
9 that will gut their expert testimony, if not bar them entirely
10 on all of their Monell theories, and we think that summary
11 judgment will be granted for the city. So if you want sort of
12 a snippet about that, the city would be happy to prepare that
13 for you. I don't know.

14 THE COURT: Yes.

15 MS. ROSEN: I mean, at the end of the day, I'm not --
16 you know, Monell doesn't increase damages in a case, and I
17 don't know from Mr. Sierra's perspective if he went to trial
18 without a Monell claim what that would mean for him in terms of
19 his assessment of a verdict. But that's a driving issue for
20 the city's claim.

21 THE COURT: Yes. I think, one, as far as the damages
22 issue, I think you're right about that. I know that the
23 Seventh Circuit has suggested that there may be Monell
24 liability without underlying liability in some case, but I
25 don't think this is that case.

1 So all that's of real import to me -- and maybe the
2 questions are better directed to Mr. Engquist or
3 Mr. Leinenweber. What's your view, Mr. Engquist, on the unique
4 legal issues from your clients' standpoint? I'm presuming that
5 you believe it is fact-driven.

6 MR. ENGQUIST: It is fact-driven, Your Honor, to a
7 large degree at least. However, I think plaintiff's position
8 that since Mr. Guevara is asserting his Fifth Amendment rights
9 that it somehow is a done deal, based on the facts we have
10 here, I think they're completely wrong on that.

11 So that might be something we would need to address,
12 one that's kind of on the legal side of the issues. Because
13 I'm looking at, at least for my clients, a fully dispositive
14 motion which we're working on right now. We've been working on
15 it because we were working towards that schedule initially, and
16 I think most of my arguments would even transfer over to
17 Mr. Guevara.

18 So probably we'd have to give you some kind of -- if
19 you're going to be looking at their summary judgment which was
20 filed, which I did read, I think that we need to have some kind
21 of -- at least our position in your hands.

22 THE COURT: Okay.

23 MR. LEINENWEBER: Judge, I would echo Mr. Engquist's
24 comments. I don't think that just because my client is taking
25 the Fifth, then that's: Okay, do not pass go. Go directly to

1 jail.

2 So I'd agree with what he just said.

3 THE COURT: Okay. All right. Let's see what you --
4 I'm going to ask that you get the settlement letters out a
5 little further in time than I normally do. In the settlement
6 letters, just reference your motion or just remind me,
7 Mr. Swaminathan, to look at your motion for summary judgment
8 that was denied without prejudice.

9 MR. SWAMINATHAN: Right.

10 THE COURT: I'll look at that, so you don't need to
11 recreate that. But what I think would be most helpful for me
12 is kind of your summary of that motion and the things that you
13 think are the most compelling for liability purposes.

14 MR. SWAMINATHAN: Sure.

15 THE COURT: I don't know if you agree with Ms. Rosen
16 on the Monell issue. I tend to agree with the broad legal
17 concept that it's not a separate bucket of damages, but you and
18 your team may see -- you may say: That's true, but we think
19 because this will be in front of a jury we have some advantage.

20 So just file a summary of what you think the Monell --
21 the litigation of the Monell case would look like in front of a
22 jury.

23 MR. SWAMINATHAN: Sure.

24 THE COURT: I wouldn't spend a lot of -- I mean, I'm
25 sure I won't spend a lot of time on that because I'm more

1 interested in some of the dynamics of the trial as opposed to
2 if you have a legal issue there.

3 MR. SWAMINATHAN: Sure.

4 THE COURT: Do you get my drift?

5 MR. SWAMINATHAN: Yes, absolutely.

6 THE COURT: Okay. Then, Ms. Rosen, from your
7 perspective, you know, a summary of why you think -- you know,
8 if you think you have a Daubert argument that's going to keep
9 the experts out all together, that might go in there, and
10 anything you want to add on the Monell aspect of it.

11 Then, Mr. Engquist and Mr. Leinenweber, if you want to
12 write separately or together, it's up to you. My practice is
13 that you do it together, but it's just a preference. You can
14 do it either way.

15 MR. ENGQUIST: Yes, sir.

16 THE COURT: Then respond to the facts that
17 Mr. Swaminathan is laying out for his purposes. You know,
18 oftentimes, you know, as is true in legal life, people will say
19 that it's undisputed and sometimes the other side says: No,
20 we've got these three things from these depositions that say it
21 is an issue of fact.

22 So that kind of back-and-forth would be helpful for
23 me. So if I can get defendants to file -- I'm just working
24 backwards a little bit. If defendants can submit their letters
25 on the 3rd of November, I can give Mr. Swaminathan a date to

1 send his letters over. Mr. Swaminathan, if you can give your
2 letters to the defendants and the Court on October 25th.

3 MR. SWAMINATHAN: Okay.

4 THE COURT: I think that's like ten days.

5 MR. SWAMINATHAN: So you're saying send the
6 (inaudible) letter to you? So I have it sent to you? Is that
7 how you --

8 THE COURT: Correct. Yes, it will be in the minute
9 order. Yes, send it over or send it to our proposed order box.

10 Then do you want to do this in person, or do you want
11 it by video?

12 MR. SWAMINATHAN: I think from our perspective, you
13 know, I mean, we're assuming there will be some decision makers
14 from the city there, and I'm sure my client will be there. I
15 think, you know, my experience in doing settlement conferences,
16 it's probably better to have everybody there in person. But if
17 there's a reason they can't be there, then we will accommodate.

18 THE COURT: All right. Mr. Engquist, what are you
19 thinking?

20 MR. ENGQUIST: These always work better if everyone is
21 in person, at least that's from my practice.

22 THE COURT: Okay. We'll do it in person. I'll tell
23 you I've been out of the office going on three weeks because of
24 an injury. If I am still injured then, I have no idea what is
25 going on with me. So I'm hoping I will be back by then.

1 MS. ROSEN: Oh, no.

2 THE COURT: Yeah.

3 MR. SWAMINATHAN: (Inaudible).

4 THE COURT: Well, then for the city, you'll have a
5 deputy corporation counsel present, is that right, Ms. Rosen?

6 MS. ROSEN: Yes, Judge.

7 THE COURT: Okay. And, Mr. Swaminathan, unfortunately
8 in some cases with your firm, sometimes an attorney shows up
9 who has not done anything on the case, and it interferes with
10 the settlement conference. So I'm going to limit appearances
11 by your firm. Hold on a second.

12 (Brief pause.)

13 THE COURT: Yes. So for counsel to appear at the
14 settlement conference on behalf of plaintiff, it's limited to
15 those attorneys who have an appearance on file as of
16 yesterday's date.

17 MR. SWAMINATHAN: Very good.

18 THE COURT: All right. All right. Anything else we
19 need to talk about right now from your perspective,
20 Mr. Swaminathan?

21 MR. SWAMINATHAN: Nothing else. Thank you.

22 THE COURT: Thank you.

23 Mr. Leinenweber?

24 MR. LEINENWEBER: No, Judge. Thank you.

25 THE COURT: Thank you.

1 Mr. Engquist?

2 MR. ENGQUIST: Nothing from me.

3 THE COURT: Great.

4 Ms. Rosen?

5 MS. ROSEN: Nothing from me. Recover quickly.

6 THE COURT: Yes, thanks a lot. We'll have a good
7 couple of months here, and we'll see you in November. Thank
8 you.

9 MR. SWAMINATHAN: Thank you.

10 MS. ROSEN: Thank you, Judge.

11 MR. LEINENWEBER: Thank you.

12 MR. ENGQUIST: Thank you.

13 (Proceedings concluded.)

14 C E R T I F I C A T E

15 I, Patrick J. Mullen, do hereby certify the foregoing
16 is an accurate transcript prepared from an audio recording of
17 the proceedings had in the above-entitled case before the
18 Honorable M. DAVID WEISMAN, one of the magistrate judges of
19 said court, at Chicago, Illinois, on September 14, 2023.

20

21 /s/ Patrick J. Mullen
22 Official Court Reporter
23 United States District Court
24 Northern District of Illinois
25 Eastern Division